

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 14584 of 1995

Between:

Sr. P.Yada Chary, S/o P.Narsimha Chary,
R/o 9-1-43/10, Langer House, Hyderabad.

..... PETITIONER

AND

- 1 Special Officer & Competent Authority,
Urban Land Ceiling, Hyderabad.
- 2 District Collector, Hyderabad.
- 3 Mandal Revenue Officer,
Golkonda mandal, Dist., Hyderabad.
- 4 The District Educational Officer
Hyderabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in dispossessing and demolishing the House property bearing M.C.H.No.13-6-434/C/136, admeasuring 216 sq.yds., situated at Jaffarguda, Jhamsingh Temple,Hyd., without any due process of law as illegal, arbitrary, contrary to the provision of the Urban Land (Ceiling & Regulation) Act, 1976, and violative of Principles of Natural Justice and fundamental rights, guaranteed under the constitution of India.

Counsel for the Petitioner:MR.C.MALLA REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in dispossessing and demolishing the house bearing MCH No.13-6-434/C/136 admeasuring 216 square yards situated at Jaffarguda, Hyderabad, without following due process of law, as illegal and arbitrary.

It is the case of the petitioner that he was informed that on 29.6.1995 in the vicinity of his house the 3rd respondent has undertaken demolition work of all the houses on the ground that the land on which the houses were constructed, was declared surplus by the 1st respondent. Subsequently, on his enquiry, the 3rd respondent has informed that his house is also earmarked for demolition and the demolition work would be in second phase. According to the petitioner, he has purchased the house in question and it does not effect the provisions of the Urban Land Ceiling Act or any of the provisions made therein and as such any proceedings taken by the 1st respondent treating the area to be vacant and declaring to be surplus is without any sanction of law. The apprehension of the petitioner is that his house would be demolished without any notice since the respondents are proceeding with the demolition work in phases.

A counter-affidavit has been filed on behalf of the respondents denying the ownership of the property in question by the petitioner. It is stated that the land has been handed over after acquiring the same under the provisions of Urban Land Ceiling Act by the representative of Special Officer and Competent Authority, U.L.C to the 3rd respondent on 15.9.1994 under panchanama and the 3rd respondent is in possession and enjoyment of the property. It is further stated that the land in question is the surplus land vested with the Government and that any illegal construction thereon cannot be permitted and that the constructions have been

raised only after obtaining the stay order from this Court.

In the facts and circumstances of the case and the contentions raised in the counter-affidavit, I am of the considered view that the dispute involved in this writ petition, pertains to the title of the property and as such, it comes under the purview of civil dispute. In the light of the contention of the respondents that the property vests with the Government, the petitioner ought to have approached the Civil Court seeking declaration of title over the property in question. Even assuming that the authorities are going to demolish the property, it is only a mere apprehension of the petitioner that they may demolish his house and as a matter of fact, there is no material available on record to show that the respondents are trying to demolish the house of the petitioner. Therefore, I do not find any merits to entertain this writ petition.

The Writ Petition is accordingly dismissed. No costs.

16-09-12004

Stp

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 Special Officer & Competent Authority,
Urban Land Ceiling, Hyderabad.

- 2 Dist. Collector,
Hyderabad.
- 3 Mandal Revenue Officer,
Golkonda mandal, Dist., Hyderabad.
- 4 The Dist. Education Officer
Hyderabad Dist.

5.2CCs to G.P.for Revenue, A.P.High Court Buildings,(OUT)

6.2CD copies

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THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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16-09-2004.

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